

Senate Engrossed

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**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
Senate
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Second Regular Session
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CHAPTER 220

SENATE BILL 1185

AN ACT

AMENDING TITLE 15, CHAPTER 4, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-447.01; AMENDING SECTIONS 15-901 AND 15-2002, ARIZONA REVISED STATUTES; RELATING TO SCHOOL FINANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 4, article 3, Arizona Revised Statutes,
3 is amended by adding section 15-447.01, to read:

4 15-447.01. Common school districts: offer of instruction in
5 grade nine

6 A. BEFORE A COMMON SCHOOL DISTRICT OFFERS INSTRUCTION IN GRADE NINE
7 PURSUANT TO SECTION 15-901, SUBSECTION A, PARAGRAPH 4, SUBDIVISION (b), THE
8 COMMON SCHOOL DISTRICT GOVERNING BOARD SHALL:

9 1. CONDUCT A PRELIMINARY VOTE AT A PUBLIC MEETING TO CONSIDER THE
10 QUESTION OF OFFERING INSTRUCTION IN GRADE NINE.

11 2. SEND A LETTER EXPRESSING THE COMMON SCHOOL DISTRICT'S INTEREST IN
12 OFFERING INSTRUCTION IN GRADE NINE TO THE UNION HIGH SCHOOL DISTRICT OR THE
13 UNIFIED SCHOOL DISTRICT WHERE A MAJORITY OF THE COMMON SCHOOL PUPILS WOULD
14 OTHERWISE ENROLL IN GRADE NINE.

15 3. HOLD A PUBLIC HEARING ON THE ISSUE AT LEAST NINETY DAYS AFTER THE
16 LETTER OF INTEREST IS SENT AS PRESCRIBED IN PARAGRAPH 2 OF THIS SUBSECTION.

17 4. CONDUCT A FINAL VOTE ON THE ISSUE OF OFFERING INSTRUCTION IN GRADE
18 NINE. THE FINAL VOTE PRESCRIBED IN THIS PARAGRAPH SHALL OCCUR NO LATER THAN
19 JANUARY 15 OF THE SCHOOL YEAR THAT PRECEDES THE SCHOOL YEAR IN WHICH
20 INSTRUCTION IN GRADE NINE WILL FIRST BE OFFERED AND AT LEAST THIRTY DAYS
21 AFTER THE PUBLIC HEARING PRESCRIBED IN PARAGRAPH 3 OF THIS SUBSECTION.

22 B. NOTWITHSTANDING ANY OTHER LAW, A COMMON SCHOOL DISTRICT THAT OFFERS
23 INSTRUCTION IN GRADE NINE PURSUANT TO SECTION 15-901, SUBSECTION A, PARAGRAPH
24 4, SUBDIVISION (b) MAY:

25 1. CONDUCT AN ELECTION TO EXCEED THE REVENUE CONTROL LIMIT AS PROVIDED
26 IN SECTIONS 15-481 AND 15-482 AND USE THE WEIGHTED STUDENT COUNT OF PUPILS IN
27 GRADE NINE AS PART OF THE CALCULATION FOR THE INCREASE IN THE REVENUE CONTROL
28 LIMIT.

29 2. USE THE WEIGHTED STUDENT COUNT OF PUPILS IN GRADE NINE TO DETERMINE
30 EQUALIZATION ASSISTANCE FOR CAREER LADDER AND OPTIONAL PERFORMANCE INCENTIVE
31 PROGRAMS PURSUANT TO SECTIONS 15-918.05 AND 15-919.05, AS APPLICABLE, IF THE
32 COMMON SCHOOL DISTRICT CURRENTLY PARTICIPATES IN THE CAREER LADDER PROGRAM OR
33 THE OPTIONAL PERFORMANCE INCENTIVE PROGRAM, OR BOTH.

34 3. USE THE COUNT OF PUPILS IN GRADE NINE TO DETERMINE EQUALIZATION
35 ASSISTANCE PURSUANT TO SECTION 15-971.

36 C. NOTWITHSTANDING ANY OTHER LAW, A COMMON SCHOOL DISTRICT THAT OFFERS
37 INSTRUCTION IN GRADE NINE PURSUANT TO SECTION 15-901, SUBSECTION A, PARAGRAPH
38 4, SUBDIVISION (b) SHALL NOT INCREASE THE REVENUE CONTROL LIMIT AND DISTRICT
39 SUPPORT LEVEL FOR THE SCHOOL DISTRICT FOR THE CURRENT YEAR DUE TO GROWTH IN
40 THE GRADE NINE PUPIL POPULATION PURSUANT TO SECTION 15-948.

41 D. A COMMON SCHOOL DISTRICT MAY NOT OFFER INSTRUCTION IN GRADE NINE IN
42 A SCHOOL FACILITY WHERE INSTRUCTION IS PROVIDED TO PUPILS IN KINDERGARTEN
43 PROGRAMS AND GRADES ONE THROUGH SIX, OR ANY COMBINATION OF KINDERGARTEN
44 INSTRUCTION OR GRADES ONE THROUGH SIX.

1 Sec. 2. Section 15-901, Arizona Revised Statutes, is amended to read:
2 15-901. Definitions

3 A. In this title, unless the context otherwise requires:

4 1. "Average daily attendance" or "ADA" means actual average daily
5 attendance through the first one hundred days or two hundred days in session,
6 as applicable.

7 2. "Average daily membership" means the total enrollment of fractional
8 students and full-time students, minus withdrawals, of each school day
9 through the first one hundred days or two hundred days in session, as
10 applicable, for the current year. Withdrawals include students formally
11 withdrawn from schools and students absent for ten consecutive school days,
12 except for excused absences as identified by the department of education.
13 For computation purposes, the effective date of withdrawal shall be
14 retroactive to the last day of actual attendance of the student.

15 (a) "Fractional student" means:

16 (i) For common schools, until fiscal year 2001-2002, a preschool child
17 who is enrolled in a program for preschool children with disabilities of at
18 least three hundred sixty minutes each week or a kindergarten student at
19 least five years of age prior to January 1 of the school year and enrolled in
20 a school kindergarten program that meets at least three hundred forty-six
21 instructional hours during the minimum number of days required in a school
22 year as provided in section 15-341. In fiscal year 2001-2002, the
23 kindergarten program shall meet at least three hundred forty-eight hours. In
24 fiscal year 2002-2003, the kindergarten program shall meet at least three
25 hundred fifty hours. In fiscal year 2003-2004, the kindergarten program
26 shall meet at least three hundred fifty-two hours. In fiscal year 2004-2005,
27 the kindergarten program shall meet at least three hundred fifty-four hours.
28 In fiscal year 2005-2006 and each fiscal year thereafter, the kindergarten
29 program shall meet at least three hundred fifty-six hours. Lunch periods and
30 recess periods may not be included as part of the instructional hours unless
31 the child's individualized education program requires instruction during
32 those periods and the specific reasons for such instruction are fully
33 documented. In computing the average daily membership, preschool children
34 with disabilities and kindergarten students shall be counted as one-half of a
35 full-time student. For common schools, a part-time student is a student
36 enrolled for less than the total time for a full-time student as defined in
37 this section. A part-time common school student shall be counted as
38 one-fourth, one-half or three-fourths of a full-time student if the student
39 is enrolled in an instructional program that is at least one-fourth, one-half
40 or three-fourths of the time a full-time student is enrolled as defined in
41 subdivision (b) of this paragraph.

42 (ii) For high schools, a part-time student who is enrolled in less
43 than four subjects that count toward graduation as defined by the state board
44 of education in a recognized high school and who is taught in less than
45 twenty instructional hours per week prorated for any week with fewer than

1 five school days. A part-time high school student shall be counted as
2 one-fourth, one-half or three-fourths of a full-time student if the student
3 is enrolled in an instructional program that is at least one-fourth, one-half
4 or three-fourths of a full-time instructional program as defined in
5 subdivision (c) of this paragraph.

6 (b) "Full-time student" means:

7 (i) For common schools, a student who is at least six years of age
8 prior to January 1 of a school year, who has not graduated from the highest
9 grade taught in the school district and who is regularly enrolled in a course
10 of study required by the state board of education. Until fiscal year
11 2001-2002, first, second and third grade students, ungraded students at least
12 six, but under nine, years of age by September 1 or ungraded group B children
13 with disabilities who are at least five, but under six, years of age by
14 September 1 must be enrolled in an instructional program that meets for a
15 total of at least six hundred ninety-two hours during the minimum number of
16 days required in a school year as provided in section 15-341. In fiscal year
17 2001-2002, the program shall meet at least six hundred ninety-six hours. In
18 fiscal year 2002-2003, the program shall meet at least seven hundred hours.
19 In fiscal year 2003-2004, the program shall meet at least seven hundred four
20 hours. In fiscal year 2004-2005, the program shall meet at least seven
21 hundred eight hours. In fiscal year 2005-2006 and in each fiscal year
22 thereafter, the program shall meet at least seven hundred twelve hours.
23 Until fiscal year 2001-2002, fourth, fifth and sixth grade students or
24 ungraded students at least nine, but under twelve, years of age by September
25 1 must be enrolled in an instructional program that meets for a total of at
26 least eight hundred sixty-five hours during the minimum number of school days
27 required in a school year as provided in section 15-341. In fiscal year
28 2001-2002, the program shall meet at least eight hundred seventy hours. In
29 fiscal year 2002-2003, the program shall meet at least eight hundred
30 seventy-five hours. In fiscal year 2003-2004, the program shall meet at
31 least eight hundred eighty hours. In fiscal year 2004-2005, the program
32 shall meet at least eight hundred eighty-five hours. In fiscal year
33 2005-2006 and each fiscal year thereafter, the program shall meet at least
34 eight hundred ninety hours. Until fiscal year 2001-2002, seventh and eighth
35 grade students or ungraded students at least twelve, but under fourteen,
36 years of age by September 1 must be enrolled in an instructional program that
37 meets for a total of at least one thousand thirty-eight hours during the
38 minimum number of days required in a school year as provided in section
39 15-341. In fiscal year 2001-2002, the program shall meet at least one
40 thousand forty-four hours. In fiscal year 2002-2003, the program shall meet
41 at least one thousand fifty hours. In fiscal year 2003-2004, the program
42 shall meet at least one thousand fifty-six hours. In fiscal year 2004-2005,
43 the program shall meet at least one thousand sixty-two hours. In fiscal year
44 2005-2006 and each fiscal year thereafter, the program shall meet at least
45 one thousand sixty-eight hours. Lunch periods and recess periods may not be

1 included as part of the instructional hours unless the student is a child
2 with a disability and the child's individualized education program requires
3 instruction during those periods and the specific reasons for such
4 instruction are fully documented.

5 (ii) For high schools, except as provided in section 15-105, a student
6 not graduated from the highest grade taught in the school district, or an
7 ungraded student at least fourteen years of age by September 1, and enrolled
8 in at least a full-time instructional program of subjects that count toward
9 graduation as defined by the state board of education in a recognized high
10 school. A full-time student shall not be counted more than once for
11 computation of average daily membership.

12 (iii) Except as otherwise provided by law, for a full-time high school
13 student who is concurrently enrolled in two school districts or two charter
14 schools, the average daily membership shall not exceed 1.0.

15 (iv) Except as otherwise provided by law, for any student who is
16 concurrently enrolled in a school district and a charter school, the average
17 daily membership shall be apportioned between the school district and the
18 charter school and shall not exceed 1.0. The apportionment shall be based on
19 the percentage of total time that the student is enrolled in or in attendance
20 at the school district and the charter school.

21 (v) Except as otherwise provided by law, for any student who is
22 concurrently enrolled, pursuant to section 15-808, in a school district and
23 Arizona online instruction or a charter school and Arizona online
24 instruction, the average daily membership shall be apportioned between the
25 school district and Arizona online instruction or the charter school and
26 Arizona online instruction and shall not exceed 1.0. The apportionment shall
27 be based on the percentage of total time that the student is enrolled in or
28 in attendance at the school district and Arizona online instruction or the
29 charter school and Arizona online instruction.

30 (vi) For homebound or hospitalized, a student receiving at least four
31 hours of instruction per week.

32 (c) "Full-time instructional program" means:

33 (i) Through fiscal year 2000-2001, at least four subjects, each of
34 which, if taught each school day for the minimum number of days required in a
35 school year, would meet a minimum of one hundred twenty hours a year, or the
36 equivalent, or one or more subjects taught in amounts of time totaling at
37 least twenty hours per week prorated for any week with fewer than five school
38 days.

39 (ii) For fiscal year 2001-2002, an instructional program that meets at
40 least a total of seven hundred four hours during the minimum number of days
41 required and includes at least four subjects each of which, if taught each
42 school day for the minimum number of days required in a school year, would
43 meet a minimum of one hundred twenty-two hours a year, or the equivalent, or
44 one or more subjects taught in amounts of time totaling at least twenty hours
45 per week prorated for any week with fewer than five school days.

(iii) For fiscal year 2002-2003, an instructional program that meets at least a total of seven hundred eight hours during the minimum number of days required and includes at least four subjects each of which, if taught each school day for the minimum number of days required in a school year, would meet a minimum of one hundred twenty-two hours a year, or the equivalent, or one or more subjects taught in amounts of time totaling at least twenty hours per week prorated for any week with fewer than five school days.

(iv) For fiscal year 2003-2004, an instructional program that meets at least a total of seven hundred twelve hours during the minimum number of days required and includes at least four subjects each of which, if taught each school day for the minimum number of days required in a school year, would meet a minimum of one hundred twenty-three hours a year, or the equivalent, or one or more subjects taught in amounts of time totaling at least twenty hours per week prorated for any week with fewer than five school days.

(v) For fiscal year 2004-2005, an instructional program that meets at least a total of seven hundred sixteen hours during the minimum number of days required and includes at least four subjects each of which, if taught each school day for the minimum number of days required in a school year, would meet a minimum of one hundred twenty-three hours a year, or the equivalent, or one or more subjects taught in amounts of time totaling at least twenty hours per week prorated for any week with fewer than five school days.

(vi) For fiscal year 2005-2006 and each fiscal year thereafter, an instructional program that meets at least a total of seven hundred twenty hours during the minimum number of days required and includes at least four subjects each of which, if taught each school day for the minimum number of days required in a school year, would meet a minimum of one hundred twenty-three hours a year, or the equivalent, or one or more subjects taught in amounts of time totaling at least twenty hours per week prorated for any week with fewer than five school days.

3. "Budget year" means the fiscal year for which the school district is budgeting and which immediately follows the current year.

4. "Common school district" means a political subdivision of this state offering instruction to students in programs for preschool children with disabilities and kindergarten programs and EITHER:

(a) Grades one through eight.

(b) GRADES ONE THROUGH NINE PURSUANT TO SECTION 15-447.01.

5. "Current year" means the fiscal year in which a school district is operating.

6. "Daily attendance" means:

(a) For common schools, days in which a pupil:

(i) Of a kindergarten program or ungraded, but not group B children with disabilities, and at least five, but under six, years of age by September 1 attends at least three-quarters of the instructional time

1 scheduled for the day. If the total instruction time scheduled for the year
2 is at least three hundred forty-six hours but is less than six hundred
3 ninety-two hours such attendance shall be counted as one-half day of
4 attendance. If the instructional time scheduled for the year is at least six
5 hundred ninety-two hours, "daily attendance" means days in which a pupil
6 attends at least one-half of the instructional time scheduled for the day.
7 Such attendance shall be counted as one-half day of attendance.

8 (ii) Of the first, second or third grades, ungraded and at least six,
9 but under nine, years of age by September 1 or ungraded group B children with
10 disabilities and at least five, but under six, years of age by September 1
11 attends more than three-quarters of the instructional time scheduled for the
12 day.

13 (iii) Of the fourth, fifth or sixth grades or ungraded and at least
14 nine, but under twelve, years of age by September 1 attends more than
15 three-quarters of the instructional time scheduled for the day, except as
16 provided in section 15-797.

17 (iv) Of the seventh or eighth grades or ungraded and at least twelve,
18 but under fourteen, years of age by September 1 attends more than
19 three-quarters of the instructional time scheduled for the day, except as
20 provided in section 15-797.

21 (b) For common schools, the attendance of a pupil at three-quarters or
22 less of the instructional time scheduled for the day shall be counted as
23 follows, except as provided in section 15-797 and except that attendance for
24 a fractional student shall not exceed the pupil's fractional membership:

25 (i) If attendance for all pupils in the school is based on quarter
26 days, the attendance of a pupil shall be counted as one-fourth of a day's
27 attendance for each one-fourth of full-time instructional time attended.

28 (ii) If attendance for all pupils in the school is based on half days,
29 the attendance of at least three-quarters of the instructional time scheduled
30 for the day shall be counted as a full day's attendance and attendance at a
31 minimum of one-half but less than three-quarters of the instructional time
32 scheduled for the day equals one-half day of attendance.

33 (c) For common schools, the attendance of a preschool child with
34 disabilities shall be counted as one-fourth day's attendance for each
35 thirty-six minutes of attendance not including lunch periods and recess
36 periods, except as provided in paragraph 2, subdivision (a), item (i) of this
37 subsection for children with disabilities up to a maximum of three hundred
38 sixty minutes each week.

39 (d) For high schools or ungraded schools in which the pupil is at
40 least fourteen years of age by September 1, the attendance of a pupil shall
41 not be counted as a full day unless the pupil is actually and physically in
42 attendance and enrolled in and carrying four subjects, each of which, if
43 taught each school day for the minimum number of days required in a school
44 year, would meet a minimum of one hundred twenty hours a year, or the
45 equivalent, that count toward graduation in a recognized high school except

1 as provided in section 15-797 and subdivision (e) of this paragraph.
2 Attendance of a pupil carrying less than the load prescribed shall be
3 prorated.

4 (e) For high schools or ungraded schools in which the pupil is at
5 least fourteen years of age by September 1, the attendance of a pupil may be
6 counted as one-fourth of a day's attendance for each sixty minutes of
7 instructional time in a subject that counts toward graduation, except that
8 attendance for a pupil shall not exceed the pupil's full or fractional
9 membership.

10 (f) For homebound or hospitalized, a full day of attendance may be
11 counted for each day during a week in which the student receives at least
12 four hours of instruction.

13 (g) For school districts which maintain school for an approved
14 year-round school year operation, attendance shall be based on a computation,
15 as prescribed by the superintendent of public instruction, of the one hundred
16 eighty days' equivalency or two hundred days' equivalency, as applicable, of
17 instructional time as approved by the superintendent of public instruction
18 during which each pupil is enrolled.

19 7. "Daily route mileage" means the sum of:

20 (a) The total number of miles driven daily by all buses of a school
21 district while transporting eligible students from their residence to the
22 school of attendance and from the school of attendance to their residence on
23 scheduled routes approved by the superintendent of public instruction.

24 (b) The total number of miles driven daily on routes approved by the
25 superintendent of public instruction for which a private party, a political
26 subdivision or a common or a contract carrier is reimbursed for bringing an
27 eligible student from the place of his residence to a school transportation
28 pickup point or to the school of attendance and from the school
29 transportation scheduled return point or from the school of attendance to his
30 residence. Daily route mileage includes the total number of miles necessary
31 to drive to transport eligible students from and to their residence as
32 provided in this paragraph.

33 8. "District support level" means the base support level plus the
34 transportation support level.

35 9. "Eligible students" means:

36 (a) Students who are transported by or for a school district and who
37 qualify as full-time students or fractional students, except students for
38 whom transportation is paid by another school district or a county school
39 superintendent, and:

40 (i) For common school students, whose place of actual residence within
41 the school district is more than one mile from the school facility of
42 attendance or students who are admitted pursuant to section 15-816.01 and who
43 meet the economic eligibility requirements established under the national
44 school lunch and child nutrition acts (42 United States Code sections 1751
45 through 1785) for free or reduced price lunches and whose actual place of

1 residence outside the school district boundaries is more than one mile from
2 the school facility of attendance.

3 (ii) For high school students, whose place of actual residence within
4 the school district is more than one and one-half miles from the school
5 facility of attendance or students who are admitted pursuant to section
6 15-816.01 and who meet the economic eligibility requirements established
7 under the national school lunch and child nutrition acts (42 United States
8 Code sections 1751 through 1785) for free or reduced price lunches and whose
9 actual place of residence outside the school district boundaries is more than
10 one and one-half miles from the school facility of attendance.

11 (b) Kindergarten students, for purposes of computing the number of
12 eligible students under subdivision (a), item (i) of this paragraph, shall be
13 counted as full-time students, notwithstanding any other provision of law.

14 (c) Children with disabilities, as defined by section 15-761, who are
15 transported by or for the school district or who are admitted pursuant to
16 chapter 8, article 1.1 of this title and who qualify as full-time students or
17 fractional students regardless of location or residence within the school
18 district or children with disabilities whose transportation is required by
19 the pupil's individualized education program.

20 (d) Students whose residence is outside the school district and who
21 are transported within the school district on the same basis as students who
22 reside in the school district.

23 10. "Enrolled" or "enrollment" means when a pupil is currently
24 registered in the school district.

25 11. "GDP price deflator" means the average of the four implicit price
26 deflators for the gross domestic product reported by the United States
27 department of commerce for the four quarters of the calendar year.

28 12. "High school district" means a political subdivision of this state
29 offering instruction to students for grades nine through twelve or that
30 portion of the budget of a common school district which is allocated to
31 teaching high school subjects with permission of the state board of
32 education.

33 13. "Revenue control limit" means the base revenue control limit plus
34 the transportation revenue control limit.

35 14. "Student count" means average daily membership as prescribed in
36 this subsection for the fiscal year prior to the current year, except that
37 for the purpose of budget preparation student count means average daily
38 membership as prescribed in this subsection for the current year.

39 15. "Submit electronically" means submitted in a format and in a manner
40 prescribed by the department of education.

41 16. "Total bus mileage" means the total number of miles driven by all
42 buses of a school district during the school year.

43 17. "Total students transported" means all eligible students
44 transported from their place of residence to a school transportation pickup
45 point or to the school of attendance and from the school of attendance or

1 from the school transportation scheduled return point to their place of
2 residence.

3 18. "Unified school district" means a political subdivision of the
4 state offering instruction to students in programs for preschool children
5 with disabilities and kindergarten programs and grades one through twelve.

6 B. In this title, unless the context otherwise requires:

7 1. "Base" means the revenue level per student count specified by the
8 legislature.

9 2. "Base level" means:

10 (a) For fiscal year 2007-2008, three thousand two hundred twenty-six
11 dollars eighty-eight cents.

12 (b) For fiscal year 2008-2009, three thousand two hundred ninety-one
13 dollars forty-two cents.

14 (c) For fiscal year 2009-2010, three thousand two hundred sixty-seven
15 dollars seventy-two cents.

16 3. "Base revenue control limit" means the base revenue control limit
17 computed as provided in section 15-944.

18 4. "Base support level" means the base support level as provided in
19 section 15-943.

20 5. "Certified teacher" means a person who is certified as a teacher
21 pursuant to the rules adopted by the state board of education, who renders
22 direct and personal services to school children in the form of instruction
23 related to the school district's educational course of study and who is paid
24 from the maintenance and operation section of the budget.

25 6. "DD" means programs for children with developmental delays who are
26 at least three years of age but under ten years of age. A preschool child
27 who is categorized under this paragraph is not eligible to receive funding
28 pursuant to section 15-943, paragraph 2, subdivision (b).

29 7. "ED, MIMR, SLD, SLI and OHI" means programs for children with
30 emotional disabilities, mild mental retardation, a specific learning
31 disability, a speech/language impairment and other health impairments. A
32 preschool child who is categorized as SLI under this paragraph is not
33 eligible to receive funding pursuant to section 15-943, paragraph 2,
34 subdivision (b).

35 8. "ED-P" means programs for children with emotional disabilities who
36 are enrolled in private special education programs as prescribed in section
37 15-765, subsection D, paragraph 1 or in an intensive school district program
38 as provided in section 15-765, subsection D, paragraph 2.

39 9. "ELL" means English learners who do not speak English or whose
40 native language is not English, who are not currently able to perform
41 ordinary classroom work in English and who are enrolled in an English
42 language education program pursuant to sections 15-751, 15-752 and 15-753.

43 10. "Full-time equivalent certified teacher" or "FTE certified teacher"
44 means for a certified teacher the following:

45 (a) If employed full time as defined in section 15-501, 1.00.

(b) If employed less than full time, multiply 1.00 by the percentage of a full school day, or its equivalent, or a full class load, or its equivalent, for which the teacher is employed as determined by the governing board.

11. "Group A" means educational programs for career exploration, a specific learning disability, an emotional disability, mild mental retardation, remedial education, a speech/language impairment, developmental delay, homebound, bilingual, other health impairments and gifted pupils.

12. "Group B" means educational improvements for pupils in kindergarten programs and grades one through three, educational programs for autism, a hearing impairment, moderate mental retardation, multiple disabilities, multiple disabilities with severe sensory impairment, orthopedic impairments, preschool severe delay, severe mental retardation and emotional disabilities for school age pupils enrolled in private special education programs or in school district programs for children with severe disabilities or visual impairment and English learners enrolled in a program to promote English language proficiency pursuant to section 15-752.

13. "HI" means programs for pupils with hearing impairment.

14. "Homebound" or "hospitalized" means a pupil who is capable of profiting from academic instruction but is unable to attend school due to illness, disease, accident or other health conditions, who has been examined by a competent medical doctor and who is certified by that doctor as being unable to attend regular classes for a period of not less than three school months or a pupil who is capable of profiting from academic instruction but is unable to attend school regularly due to chronic or acute health problems, who has been examined by a competent medical doctor and who is certified by that doctor as being unable to attend regular classes for intermittent periods of time totaling three school months during a school year. The medical certification shall state the general medical condition, such as illness, disease or chronic health condition, that is the reason that the pupil is unable to attend school. Homebound or hospitalized includes a student who is unable to attend school for a period of less than three months due to a pregnancy if a competent medical doctor, after an examination, certifies that the student is unable to attend regular classes due to risk to the pregnancy or to the student's health.

15. "K" means kindergarten programs.

16. "K-3" means kindergarten programs and grades one through three.

17. "MD-R, A-R and SMR-R" means resource programs for pupils with multiple disabilities, autism and severe mental retardation.

18. "MD-SC, A-SC and SMR-SC" means self-contained programs for pupils with multiple disabilities, autism and severe mental retardation.

19. "MDSSI" means a program for pupils with multiple disabilities with severe sensory impairment.

20. "MOMR" means programs for pupils with moderate mental retardation.

- 1 21. "OI-R" means a resource program for pupils with orthopedic
2 impairments.
- 3 22. "OI-SC" means a self-contained program for pupils with orthopedic
4 impairments.
- 5 23. "PSD" means preschool programs for children with disabilities as
6 provided in section 15-771.
- 7 24. "P-SD" means programs for children who meet the definition of
8 preschool severe delay as provided in section 15-771.
- 9 25. "Qualifying tax rate" means the qualifying tax rate specified in
10 section 15-971 applied to the assessed valuation used for primary property
11 taxes.
- 12 26. "Small isolated school district" means a school district which
13 meets all of the following:
- 14 (a) Has a student count of fewer than six hundred in kindergarten
15 programs and grades one through eight or grades nine through twelve.
- 16 (b) Contains no school which is fewer than thirty miles by the most
17 reasonable route from another school, or, if road conditions and terrain make
18 the driving slow or hazardous, fifteen miles from another school which
19 teaches one or more of the same grades and is operated by another school
20 district in this state.
- 21 (c) Is designated as a small isolated school district by the
22 superintendent of public instruction.
- 23 27. "Small school district" means a school district which meets all of
24 the following:
- 25 (a) Has a student count of fewer than six hundred in kindergarten
26 programs and grades one through eight or grades nine through twelve.
- 27 (b) Contains at least one school which is fewer than thirty miles by
28 the most reasonable route from another school which teaches one or more of
29 the same grades and is operated by another school district in this state.
- 30 (c) Is designated as a small school district by the superintendent of
31 public instruction.
- 32 28. "Transportation revenue control limit" means the transportation
33 revenue control limit computed as prescribed in section 15-946.
- 34 29. "Transportation support level" means the support level for pupil
35 transportation operating expenses as provided in section 15-945.
- 36 30. "VI" means programs for pupils with visual impairments.
- 37 31. "Voc. Ed." means career and technical education and vocational
38 education programs, as defined in section 15-781.
- 39 Sec. 3. Section 15-2002, Arizona Revised Statutes, is amended to read:
40 15-2002. Powers and duties; executive director; staffing;
41 report
- 42 A. The school facilities board shall:
- 43 1. Make assessments of school facilities and equipment deficiencies
44 and approve the distribution of grants as appropriate.

1 2. Develop a database for administering the building renewal formula
2 prescribed in section 15-2031 and administer the distribution of monies to
3 school districts for building renewal.

4 3. Inspect school buildings at least once every five years to ensure
5 compliance with the building adequacy standards prescribed in section 15-2011
6 and routine preventative maintenance guidelines as prescribed in this section
7 with respect to construction of new buildings and maintenance of existing
8 buildings. The school facilities board shall randomly select twenty school
9 districts every thirty months and inspect them pursuant to this paragraph.

10 4. Review and approve student population projections submitted by
11 school districts to determine to what extent school districts are entitled to
12 monies to construct new facilities pursuant to section 15-2041. The board
13 shall make a final determination within six months of the receipt of an
14 application by a school district for monies from the new school facilities
15 fund.

16 5. Certify that plans for new school facilities meet the building
17 adequacy standards prescribed in section 15-2011.

18 6. Develop prototypical elementary and high school designs. The board
19 shall review the design differences between the schools with the highest
20 academic productivity scores and the schools with the lowest academic
21 productivity scores. The board shall also review the results of a valid and
22 reliable survey of parent quality rating in the highest performing schools
23 and the lowest performing schools in this state. The survey of parent
24 quality rating shall be administered by the department of education. The
25 board shall consider the design elements of the schools with the highest
26 academic productivity scores and parent quality ratings in the development of
27 elementary and high school designs. The board shall develop separate school
28 designs for elementary, middle and high schools with varying pupil
29 capacities.

30 7. Develop application forms, reporting forms and procedures to carry
31 out the requirements of this article.

32 8. Review and approve or reject requests submitted by school districts
33 to take actions pursuant to section 15-341, subsection G.

34 9. Submit electronically an annual report by December 15 to the
35 speaker of the house of representatives, the president of the senate, the
36 superintendent of public instruction, the director of the Arizona state
37 library, archives and public records and the governor that includes the
38 following information:

39 (a) A detailed description of the amount of monies distributed by the
40 school facilities board in the previous fiscal year.

41 (b) A list of each capital project that received monies from the
42 school facilities board during the previous fiscal year, a brief description
43 of each project that was funded and a summary of the board's reasons for the
44 distribution of monies for the project.

1 (c) A summary of the findings and conclusions of the building
2 maintenance inspections conducted pursuant to this article during the
3 previous fiscal year.

4 (d) A summary of the findings of common design elements and
5 characteristics of the highest performing schools and the lowest performing
6 schools based on academic productivity, including the results of the parent
7 quality rating survey. For the purposes of this subdivision, "academic
8 productivity" means academic year advancement per calendar year as measured
9 with student-level data using the statewide nationally standardized
10 norm-referenced achievement test.

11 10. By December 1 of each year, report electronically to the joint
12 committee on capital review the amounts necessary to fulfill the requirements
13 of sections 15-2022, 15-2031 and 15-2041 for the following fiscal year and
14 the estimated amounts necessary to fulfill the requirements of sections
15 15-2022, 15-2031 and 15-2041 for the fiscal year following the next fiscal
16 year. The board shall provide copies of the report to the president of the
17 senate, the speaker of the house of representatives and the governor.

18 11. Adopt minimum school facility adequacy guidelines to provide the
19 minimum quality and quantity of school buildings and the facilities and
20 equipment necessary and appropriate to enable pupils to achieve the
21 educational goals of the Arizona state schools for the deaf and the blind.
22 The school facilities board shall establish minimum school facility adequacy
23 guidelines applicable to the Arizona state schools for the deaf and the
24 blind.

25 12. In each even-numbered year, report electronically to the joint
26 committee on capital review the amounts necessary to fulfill the requirements
27 of sections 15-2031 and 15-2041 for the Arizona state schools for the deaf
28 and the blind for the following two fiscal years. The Arizona state schools
29 for the deaf and the blind shall incorporate the findings of the report in
30 any request for building renewal monies and new school facilities monies.
31 Any monies provided to the Arizona state schools for the deaf and the blind
32 for building renewal and for new school facilities are subject to legislative
33 appropriation.

34 13. By June 15 of each year, submit electronically detailed information
35 regarding demographic assumptions, a proposed construction schedule and new
36 school construction cost estimates for individual projects approved in the
37 current fiscal year and expected project approvals for the upcoming fiscal
38 year to the joint committee on capital review for its review. A copy of the
39 report shall also be submitted electronically to the governor's office of
40 strategic planning and budgeting. The joint legislative budget committee
41 staff, the governor's office of strategic planning and budgeting staff and
42 the school facilities board staff shall agree on the format of the report.

43 14. Every two years, provide school districts with information on
44 improving and maintaining the indoor environmental quality in school
45 buildings.

1 B. The school facilities board may contract for the following services
2 in compliance with the procurement practices prescribed in title 41,
3 chapter 23:

- 4 1. Private services.
- 5 2. Construction project management services.
- 6 3. Assessments for school buildings to determine if ~~they~~ THE BUILDINGS
7 have outlived their useful life pursuant to section 15-2041, subsection G.
- 8 4. Services related to land acquisition and development of a school
9 site.

10 C. The governor shall appoint an executive director of the school
11 facilities board pursuant to section 38-211. The executive director is
12 eligible to receive compensation as determined pursuant to section 38-611 and
13 may hire and fire necessary staff as approved by the legislature in the
14 budget. The executive director shall have demonstrated competency in school
15 finance, facilities design or facilities management, either in private
16 business or government service. The executive director serves at the
17 pleasure of the governor. The staff of the school facilities board is exempt
18 from title 41, chapter 4, articles 5 and 6. The executive director:

- 19 1. Shall analyze applications for monies submitted to the board by
20 school districts.
- 21 2. Shall assist the board in developing forms and procedures for the
22 distribution and review of applications and the distribution of monies to
23 school districts.
- 24 3. May review or audit, or both, the expenditure of monies by a school
25 district for deficiencies corrections, building renewal and new school
26 facilities.
- 27 4. Shall assist the board in the preparation of the board's annual
28 report.
- 29 5. Shall research and provide reports on issues of general interest to
30 the board.
- 31 6. May aid school districts in the development of reasonable and
32 cost-effective school designs in order to avoid statewide duplicated efforts
33 and unwarranted expenditures in the area of school design.
- 34 7. May assist school districts in facilitating the development of
35 multijurisdictional facilities.
- 36 8. Shall assist the board in any other appropriate matter or method as
37 directed by the members of the board.
- 38 9. Shall establish procedures to ensure compliance with the notice and
39 hearing requirements prescribed in section 15-905. The notice and hearing
40 procedures adopted by the board shall include the requirement, with respect
41 to the board's consideration of any application filed after July 1, 2001 or
42 after December 31 of the year in which the property becomes territory in the
43 vicinity of a military airport or ancillary military facility as defined in
44 section 28-8461 for monies to fund the construction of new school facilities
45 proposed to be located in territory in the vicinity of a military airport or

1 ancillary military facility, that the military airport receive notification
2 of the application by first class mail at least thirty days before any
3 hearing concerning the application.

4 10. May expedite any request for monies in which the local match was
5 not obtained for a project that received preliminary approval by the state
6 board for school capital facilities.

7 11. Shall expedite any request for monies in which the school district
8 governing board submits an application that shows an immediate need for a new
9 school facility.

10 12. Shall make a determination as to administrative completion within
11 one month after the receipt of an application by a school district for monies
12 from the new school facilities fund.

13 13. Shall provide technical support to school districts as requested by
14 school districts in connection with the construction of new school facilities
15 and the maintenance of existing school facilities and may contract directly
16 with construction project managers pursuant to subsection B of this section.
17 This paragraph does not restrict a school district from contracting with a
18 construction project manager using district or state resources.

19 D. When appropriate, the school facilities board shall review and use
20 the statewide school facilities inventory and needs assessment conducted by
21 the joint committee on capital review and issued in July, 1995.

22 E. The school facilities board shall contract with one or more private
23 building inspectors to complete an initial assessment of school facilities
24 and equipment and shall inspect each school building in this state at least
25 once every five years to ensure compliance with section 15-2011. A copy of
26 the inspection report, together with any recommendations for building
27 maintenance, shall be provided to the school facilities board and the
28 governing board of the school district.

29 F. The school facilities board may consider appropriate combinations
30 of facilities or uses in making assessments of and curing deficiencies
31 pursuant to subsection A, paragraph 1 of this section and in certifying plans
32 for new school facilities pursuant to subsection A, paragraph 5 of this
33 section.

34 G. The board shall not award any monies to fund new facilities that
35 are financed by class A bonds that are issued by the school district.

36 H. The board shall not distribute monies to a school district for
37 replacement or repair of facilities if the costs associated with the
38 replacement or repair are covered by insurance or a performance or payment
39 bond.

40 I. The board may contract for construction services and materials that
41 are necessary to correct existing deficiencies in school district facilities.
42 The board may procure the construction services necessary pursuant to this
43 subsection by any method, including construction-manager-at-risk,
44 design-build, design-bid-build or job-order-contracting as provided by title

1 41, chapter 23. The construction planning and services performed pursuant to
2 this subsection are exempt from section 41-791.01.

3 J. The school facilities board may enter into agreements with school
4 districts to allow school facilities board staff and contractors access to
5 school property for the purposes of performing the construction services
6 necessary pursuant to subsection I of this section.

7 K. Each school district shall develop routine preventative maintenance
8 guidelines for its facilities. The guidelines shall be submitted to the
9 school facilities board for review and approval. If upon inspection by the
10 school facilities board it is determined that a school district facility was
11 inadequately maintained pursuant to the school district's routine
12 preventative maintenance guidelines, the school district shall use building
13 renewal monies pursuant to section 15-2031, subsection L to return the
14 building to compliance with the school district's routine preventative
15 maintenance guidelines. Once the district is in compliance, it no longer is
16 required to use building renewal monies for preventative maintenance.

17 L. The school facilities board may temporarily transfer monies between
18 the capital reserve fund established by section 15-2003, the emergency
19 deficiencies correction fund established by section 15-2022, the building
20 renewal fund established by section 15-2031 and the new school facilities
21 fund established by section 15-2041 if all of the following conditions are
22 met:

23 1. The transfer is necessary to avoid a temporary shortfall in the
24 fund into which the monies are transferred.

25 2. The transferred monies are restored to the fund where the monies
26 originated as soon as practicable after the temporary shortfall in the other
27 fund has been addressed.

28 3. The school facilities board reports to the joint committee on
29 capital review the amount of and the reason for any monies transferred.

30 M. After notifying each school district, and if a written objection
31 from the school district is not received by the school facilities board
32 within thirty days of the notification, the school facilities board may
33 access public utility company records of power, water, natural gas, telephone
34 and broadband usage to assemble consistent and accurate data on utility
35 consumption at school facilities to determine the effectiveness of facility
36 design, operation and maintenance measures intended to reduce energy and
37 water consumption and costs. Any public utility that provides service to a
38 school district in this state shall provide the data requested by the school
39 facilities board pursuant to this subsection.

40 N. THE SCHOOL FACILITIES BOARD SHALL NOT REQUIRE A COMMON SCHOOL
41 DISTRICT THAT PROVIDES INSTRUCTION TO PUPILS IN GRADE NINE TO OBTAIN APPROVAL
42 FROM THE SCHOOL FACILITIES BOARD TO RECONFIGURE ITS SCHOOL FACILITIES. A
43 COMMON SCHOOL DISTRICT THAT PROVIDES INSTRUCTION TO PUPILS IN GRADE NINE IS
44 NOT ENTITLED TO ADDITIONAL MONIES FROM THE SCHOOL FACILITIES BOARD FOR
45 FACILITIES TO EDUCATE PUPILS IN GRADE NINE.

APPROVED BY THE GOVERNOR MAY 3, 2010.